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Latin America

CUBA:
Text of New Cuban Constitution

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SUPPLEMENT
CUBA:
Text of New Cuban Constitution

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Constitution of the Republic

[Text]

Preamble

We, Cuban Citizens,

heirs and perpetuators of the creative work and the traditions of combativeness, firmness, heroism, and sacrifice created by our predecessors;

by the aborigines who on many occasions chose extermination over submission;

by the slaves who rebelled against their masters;

by those who aroused the national consciousness and the Cuban longing for a fatherland and freedom;

by the patriots who, in 1868, began the wars of independence against Spanish colonialism, and those who, in the final thrust of 1895, brought those wars to the victory of 1898, which was snatched from them by Yankee imperialist military intervention and occupation;

by the workers, peasants, students, and intellectuals, who struggled for over 50 years against imperialist domination, political corruption, the lack of people's rights and freedoms, unemployment, and the exploitation imposed by capitalists and landholders;

by those who promoted, formed, and developed the first workers' and peasants' organizations, disseminated socialist ideas, and founded the first Marxist and Marxist-Leninist movements;

by the vanguard members of the generation dating from the centennial of Marti's birth who, nurtured by his teaching, led us to the people's revolutionary victory of January;

by those who, sacrificing their lives, defended the Revolution, contributing to its definitive consolidation;

by those who, en masse, accomplished heroic internationalist missions;

Guided

by the ideology of Jose Marti, and the sociopolitical ideas of Marx, Engels, and Lenin;

Supported

by proletarian internationalism, and by the fraternal friendship, aid, cooperation, and solidarity of the peoples of the world, especially those of Latin America and the Caribbean;

Determined

to carry forward the triumphant Revolution of Moncada and the "Granma," the Sierra, and the Bay of Pigs led by Fidel Castro, which, backed by the closest unity among all the revolutionary forces and the people, won full national independence, established the revolutionary government, achieved the democratic transformations, initiated the construction of socialism and, headed by the Communist Party, is being continued, with the ultimate goal of building the communist society.

Conscious

of the fact that all regimes sustained by the exploitation of man by his fellow man cause the humiliation of the exploited and the degradation of the exploiters' human condition;

that only under socialism and communism, when man has been liberated from all forms of exploitation, from slavery, from subjugation, and from capitalism, is the human being's full dignity attained;

and of the fact that our Revolution raised the dignity of the fatherland and of Cubans to greater heights;

Declare

our wish that the law of laws of the Republic be governed by this profound desire of Jose Marti, finally achieved:

"I want the first law of our Republic to be the worship by Cubans of the full dignity of man."

Adopt

by our free vote, through a referendum, the following:

Constitution

Chapter I

Political, Social, and Economic Foundations of the State

Article I. Cuba is an independent and sovereign socialist workers' state, organized with all, and for the good of all, as a united, democratic republic, for the enjoyment of political freedom, social justice, individual and collective welfare, and human solidarity.

Article 2. The name of the Cuban State is the Republic of Cuba; the official language is Spanish; and its capital is the city of Havana.

Article 3. In the Republic of Cuba, the sovereignty lies with the people, from whom all of the State's power emanates. That power is exercised directly or through the Assemblies of the People's Power and other organs of the State derived from them, in the manner and according to the rules established by the Constitution and the laws.

All citizens are entitled to fight, using all means, including armed struggle, when no other recourse is possible, against anyone attempting to overthrow the political, social, and economic order established by this Constitution.

Article 4. The national symbols are those that have presided for more than a century over the Cuban struggles for independence, for the people's rights, and for social progress:

the flag with the single star; the Bayamo anthem; the coat-of-arms with the royal palm.

Article 5. The Communist Party of Cuba, that of Marti and of Marxism-Leninism, the organized vanguard of the Cuban nation, is the superior leading force of the society and the State, organizing and guiding the common efforts aimed at the lofty goals of the construction of socialism and advancement toward the communist society.

Article 6. The Union of Young Communists, a vanguard Cuban youth organization, has the recognition and encouragement of the State in its preeminent function of promoting the active participation of the masses of youth in the tasks of socialist construction, and of suitably training the youth as conscious citizens, capable of assuming greater responsibilities each day for the benefit of our society.

Article 7. The Cuban socialist state recognizes and encourages the mass and social organizations that have emerged in the historic process of our people's struggles, with members from different sectors of the population, representing their

specific interests and incorporating them into the tasks of construction, consolidation, and defense of the socialist society.

Article 8. The State recognizes, respects, and guarantees religious freedom.

In the Republic of Cuba, religious institutions are separate from the State.

The different creeds and religions enjoy equal consideration.

Article 9. The State:

a) implements the will of the working people and

- channels the nation's efforts in the construction of socialism;
- maintains and defends the integrity and sovereignty of the fatherland;
- guarantees the full freedom and dignity of men, the enjoyment of their rights, the exercise and fulfillment of their obligations, and the total development of their personality;
- sustains the ideology and rules of coexistence, and of conduct typical of the society free from exploitation of man by his fellow man;
- protects the creative work of the people, and the property and wealth of the socialist nation;
- directs the national economy in a planned manner;
- ensures the educational, scientific, technical, and cultural advancement of the country;

b) as a Power of the people, in the service of the people themselves, guarantees

- that there will be no man or woman capable of working who lacks an opportunity to obtain employment enabling that person to contribute to the goals of the society and to the fulfillment of personal needs;
- that there will be no person incapacitated for work who lacks a decent means of subsistence;
- that there will be no ill person lacking medical treatment;
- that there will be no child lacking a school, food, and clothing;
- that there will be no adolescent lacking an opportunity for study;
- that there will be no one lacking access to study, culture, and sports;

c) strives to attain its goal of no family lacking a comfortable dwelling.

Article 10. All the organs of the State, and their directors, public servants, and employees, operate within the bounds of their respective authority, and are obliged to strictly observe socialist legality, and to ensure respect for it in the life of the entire society.

Article 11. The State exercises its sovereignty:

a) over the entire national territory, comprised of the Island of Cuba, the Isle of Youth, the other islands and adjacent keys, the interior waters, and the territorial waters on the expanse established by law, as well as the air space extending over these areas;

b) over the country's environment and natural resources;

c) over the natural resources, both living and nonliving, the waters, the beds, and the subsoil of the maritime economic zone of the Republic, on the expanse established by law, according to international practice.

The Republic of Cuba repudiates and considers illegal and void any treaties, pacts, or concessions entered into under inequitable conditions, or those disregarding or diminishing its territorial sovereignty and integrity.

Article 12. The Republic of Cuba adopts anti-imperialist and internationalist principles, and

a) ratifies its aspiration for a worthy, true, and valid peace for all States, large and small, weak and powerful, based on respect for the independence and sovereignty of peoples and the right to self-determination;

b) bases its international relations on the principles of equal rights, free determination of peoples, territorial integrity, independence of States, international cooperation for mutual and equitable benefit and interest, peaceful settlement of controversies, marked by equality and respect, and the other principles proclaimed in the United Nations Charter and in other international treaties to which Cuba is a party;

c) reaffirms its desire for integration and cooperation with the nations of Latin America and the Caribbean, whose common identity and historic need for advancing together toward political and economic integration to achieve true independence would enable us to attain the position that befits us in the world;

ch) advocates the unity of all Third World countries against the imperialist and neocolonialist policy seeking the limitation or subordination of our peoples' sovereignty, and aggravating the economic conditions of exploitation and oppression in the underdeveloped nations;

d) condemns imperialism, promoter and supporter of all manifestations of fascism, colonialism, neocolonialism, and racism, as the principal force for aggression and war, and the worst enemy of peoples;

e) repudiates direct or indirect intervention in the internal or external affairs of any State and, hence, armed aggression and economic blockade, as well as any other type of economic or political coercion, physical violence against persons residing in other countries, or other types of interference in, and threat to the integrity of States and the political, economic, and cultural components of nations;

f) rejects violation of the irrevocable and sovereign right of any State to regulate the use and benefits of telecommunications in its territory, according to universal practice and the international conventions that it has signed;

g) categorizes war of aggression and conquest as an international crime, recognizes the legitimacy of struggles for national liberation, as well as armed resistance to aggression, and considers it an internationalist obligation to maintain solidarity with the one attacked and with peoples fighting for their liberation and self-determination;

h) bases its relations with the countries building socialism on fraternal friendship, cooperation, and mutual aid, founded upon the common objectives of constructing the new society;

i) maintains friendly relations with the countries which, possessing different political, social, and economic systems, respect its sovereignty, observe the rules of coexistence among States, adhere to the principles of mutual advantage, and adopt a reciprocal attitude toward our country.

Article 13. The Republic of Cuba grants asylum to those persecuted for their ideals or struggles for democratic rights against imperialism, fascism, colonialism, and neocolonialism; against discrimination and racism; for national liberation; for the rights and demands of the workers, peasants, and students; for their progressive political, scientific, artistic, and literary activities; and for socialism and peace.

Article 14. In effect in the Republic of Cuba is the economic system based on socialist ownership of the means of production by all the people, and the abolishment of exploitation of man by his fellow man.

Also in effect is the principle of socialist distribution: "from each according to his ability, to each according to his work." The law stipulates the regulations guaranteeing the effective implementation of this principle.

Article 15. The following are socialist state property of all the people:

a) land that does not belong to small farmers or cooperatives comprised of them, the subsoil, mines, natural resources, both living and nonliving, within the maritime economic zone of the Republic, and the forests, waters, and communications routes;

b) sugar mills, factories, fundamental means of transportation, and all business firms, banks, and installations that have been nationalized and expropriated from imperialists, large estate owners, and the bourgeoisie; as well as factories, business firms, economic installations, and scientific, social, cultural, and sports centers constructed, promoted, or acquired by the state, including those that it may construct, promote, or acquire in the future.

These assets may not be conveyed as property to natural persons or bodies corporate, except in special cases wherein the partial or total transfer of any economic object is intended for purposes of the country's development, and does not impair the political, social, and economic foundations of the State, with prior approval obtained from the Council of Ministers or its Executive Committee.

As for the transfer of other rights to such assets to state enterprises and other authorized entities, action shall be taken as stipulated in the law.

Article 16. The State organizes, directs, and controls the national economic activity according to a plan that guarantees the country's programmed development, with the aim of reinforcing the socialist system, meeting the material and cultural needs of the society and the citizens with constant improvement, and promoting the development of the human person and his dignity, as well as the country's progress and security.

In the preparation and execution of the production and development programs, an active, conscious role is played by the workers in all branches of the economy, and those in the other areas of social life.

Article 17. The State directly administers the assets comprising the socialist property of all the people, or may create and organize enterprises and entities responsible for their administration. Their structure, authority, and functions, and the system for their relations, are regulated by law.

These enterprises and entities meet their obligations solely with their own financial resources, within the limits stipulated in the law. The State is not responsible for obligations contracted by the enterprises, entities, or other bodies corporate; nor are the latter responsible for those of the former.

Article 18. The State directs and controls foreign commerce.

The law stipulates the state institutions and authorities empowered to:

- create foreign commerce enterprises;
- standardize and regulate export and import operations; and,
- determine the natural persons or bodies corporate with the legal capacity to engage in said export and import operations, and to negotiate commercial agreements.

Article 19. The State recognizes the ownership by small farmers of land that legally belongs to them, and of any other immovable and movable properties that they may require for the farming operations in which they are engaged, as stipulated in the law.

Small farmers, with prior authorization from the competent state agency, and compliance with the other legal requirements, may incorporate their land only into agricultural-livestock production cooperatives. They also may sell, exchange, or transfer it, through another title, to the State and to agricultural-livestock production cooperatives, or to small farmers, in the instances and manner, and under the conditions stipulated by law. This does not preclude the State's preferential right to its purchase, through payment of its fair price.

It is prohibited to engage in leasing, sharecropping, mortgage loans, and any act entailing a lien or assignment to private persons of the rights emanating from small farmers' ownership of their land.

The State supports the individual production of small farmers contributing to the national economy.

Article 20. Small farmers are entitled to become associated with one another, in the manner and meeting the requirements stipulated in the law, both for purposes of agricultural-livestock production and for the procurement of state loans and services.

The organization of agricultural-livestock production cooperatives is authorized in the instances and manner stipulated by law. This cooperative ownership is recognized by the State, and constitutes an advanced and efficient type of socialist production.

The agricultural-livestock production cooperatives administer, possess, use, and dispose of the assets owned by them, as stipulated in the law and its regulations.

The land of the cooperatives may not be attached nor encumbered, and its ownership may be transferred to other cooperatives or to the State, for the reasons and according to the procedure stipulated in the law.

The State provides all possible backing to this type of agricultural-livestock production.

Article 21. There is a guarantee for personal ownership of the income and savings derived from the person's own work, of the housing that is possessed with a fair ownership title, and of other assets and objects that serve to meet the material and cultural needs of the person.

Also guaranteed is ownership of the means and instruments of personal or familial work, which may not be used to procure income derived from exploitation of the work of others.

The law stipulates the amounts of personally owned assets that are subject to attachment.

Article 22. The State recognizes the ownership by political, mass, and social organizations of the assets allocated to serve their purposes.

Article 23. The State recognizes the property owned by mixed enterprises, and by economic partnerships and associations established according to law.

The use, benefit, and disposal of the assets included in the equity of the aforementioned entities are governed by the stipulations in the law and treaties, as well as by the individual statutes and regulations by which they are governed.

Article 24. The State recognizes the right to inheritance of the individually owned dwelling, and of other personally owned assets.

Land and other assets associated with production comprising the property of small farmers are inheritable, and may be adjudicated only to those heirs who are working the land, but for the exceptions and according to the procedure stipulated by law.

The law specifies the instances, terms, conditions, and manner in which cooperatively owned assets may be inheritable.

Article 25. Expropriation of assets is authorized for reasons of public purposes or social benefit, and with due compensation.

The law stipulates the procedure for expropriation, and the bases for determining its usefulness and necessity, as well as the type of compensation, considering the interests, and the economic and social needs, of the one affected by the expropriation.

Article 26. Any person who suffers damage or injury wrongfully caused by State officials or agents, in connection with the discharge of the duties inherent in their positions, is entitled to demand and obtain the pertinent reparation or compensation in the manner stipulated by law.

Article 27. The State protects the environment and natural resources of the country. It recognizes their close link with the sustainable economic and social development required for making human life more rational, and for ensuring the survival, welfare, and security of present and future generations. It is incumbent on the authorized organs to implement this policy.

It is the duty of citizens to contribute to the protection of water and the atmosphere, and to the conservation of the soil, flora, and fauna, as well as the entire rich potential of nature.

Chapter II

Citizenship

Article 28. Cuban citizenship is acquired by birth or naturalization.

Article 29. Cuban citizens by birth are:

a) those born in the national territory, with the exception of the children of foreigners who are in the service of their government or of international agencies. The law specifies the requirements and formalities governing cases of children of foreigners who are not permanent residents of the country.

b) those born abroad of a Cuban father or mother who is carrying out an official mission;

c) those born abroad of a Cuban father or mother, subject to compliance with the formalities specified in the law;

ch) those born outside the national territory, of a father or mother who is a native of the Republic of Cuba and who has lost Cuban citizenship, provided that they claim it in the manner specified by law;

d) foreigners who, through exceptional merit achieved in the struggle for Cuban liberation, are considered Cuban citizens by birth.

Article 30. Cuban citizens by naturalization are:

a) foreigners who acquire the citizenship as stipulated in the law;

b) those who served in the armed struggle against the tyranny that was overthrown on 1 January 1959, provided that they submit proof of that status in the legally stipulated manner;

c) those who, having been arbitrarily deprived of their citizenship of origin, obtain Cuban citizenship through an express resolution of the Council of State.

Article 31. Neither marriage nor its dissolution affects the citizenship of the spouses or their children.

Article 32. Cubans may not be deprived of their citizenship except for legally stipulated causes. Nor may they be deprived of the right to change it.

Dual citizenship shall not be allowed. Consequently, when a foreign citizenship is acquired, the Cuban citizenship shall be lost.

The law stipulates the procedure to be followed for formalizing loss of citizenship, and the authorities empowered to decide on it.

Article 33. Cuban citizenship may be recovered in the instances and the manner prescribed by law.

Chapter III

Alien Status

Article 34. Foreigners residing in the territory of the Republic are on an equal footing with Cubans:

- in the protection of their persons and assets;
- in the enjoyment of rights and fulfillment of obligations recognized in this Constitution, under the conditions and with the limitations established by law;

- in the obligation to observe the Constitution and the law;
- in the obligation to contribute to public expenditures in the manner and amount stipulated by law;
- in submission to the jurisdiction and decisions of the courts of justice and authorities of the Republic.

The law stipulates the instances and manner in which foreigners may be expelled from the national territory, as well as the authorities empowered to make this decision.

Chapter IV

Family

Article 35. The State protects the family, motherhood, and marriage.

The state recognizes in the family the fundamental cell of the society, and attributes to it essential responsibilities and functions in the education and training of the new generations.

Article 36. Marriage is the voluntarily concerted union of a man and a woman with the legal competency for it, to lead a life in common. It is based on the absolute equality of rights and obligations of the spouses, who must provide for the maintenance of the home and the complete training of the children, through common effort, so that this endeavor may prove compatible with the engagement of both in social activities.

The law regulates the formalization, recognition, and dissolution of marriage, and the rights and obligations derived from said acts.

Article 37. All children have equal rights, whether they were born in or out of wedlock.

Any classification of the nature of the relationship is abolished.

No statement shall be put on record making any distinction regarding births, or the civil status of parents, in the certificates registering children, nor in any other document pertaining to the relationship.

The State guarantees the determination and recognition of paternity through suitable legal procedures.

Article 38. Parents are obligated to support their children and to assist them in the defense of their legitimate interests and in the fulfillment of their just aspirations. They also are obligated to contribute actively to their complete education and training as useful citizens, prepared for life in the socialist society.

Children, in turn, are obliged to respect and assist their parents.

Chapter V

Education and Culture

Article 39. The State guides, fosters, and promotes education, culture, and the sciences in all their manifestations.

In its educational and cultural policy, it adheres to the following principles:

a) basing its educational and cultural policy on the advances in science and technology, the ideology of Marx and Marti, the Cuban progressive pedagogical tradition, and the universal tradition;

b) education as a function of the state, and free of charge; It is based on the conclusions and contributions of science, and on the closest relationship between study and life, work, and production.

The State maintains an extensive system of grants for students, and provides multiple study facilities for workers, so that they may reach the highest possible levels of knowledge and skills.

The law specifies the formation and structure of the national educational system, as well as the scope of compulsory schooling, and defines the basic general training that every citizen must acquire, as a minimum.

c) promoting patriotic education and communist training for the new generations, and the preparation of children, adolescents, and adults for social life;

To implement this principle, general education and specialized instruction of a scientific, technical, or artistic nature are combined with work, research for development, physical education, sports, and participation in political and social activities, as well as military training.

ch) free artistic creation, provided that its content is not contrary to the Revolution; The forms of expression in art are free.

d) in order to enhance the people's culture, the State is concerned with fostering and developing art education, a vocation for creating and cultivating art, and the capacity to appreciate it.

e) free creative and investigative scientific activity; The State encourages and facilitates research, prioritizing that aimed at solving the problems related to the society's interests and the people's benefit.

f) the State fosters the workers' incorporation in scientific work and the development of science.

g) the State guides, fosters, and promotes physical culture and sports in all their manifestations, as a means of education and a contribution to the overall training of citizens.

h) the State defends the identity of Cuban culture, overseeing the conservation of the nation's cultural heritage, and of its artistic and historical resources. It protects the national monuments and sites notable for their natural beauty, or for their recognized artistic or historical value.

i) the State promotes the citizens' participation in the implementation of its educational and cultural policy through the country's mass and social organizations.

Article 40. Children and adolescents benefit from particular protection on the part of the State and the society.

The family, the school, the state organs, and the mass and social organizations are obligated to pay special heed to the complete training of children and adolescents.

Chapter VI

Equality

Article 41. All citizens enjoy equal rights, and are subject to equal obligations.

Article 42. Discrimination based on race, skin color, sex, national origin, religious creeds, or any other type offending human dignity, is prohibited, and punishable by law.

The State's institutions educate all, from the earliest age, in the principle of the equality of human beings.

Article 43. The State establishes the right, won by the Revolution, of its citizens, without distinction based on race, skin color, sex, religious creeds, national origin, or any other type offending human dignity, to:

- have access, depending on their merits and abilities, to all positions and jobs in the State and the Public Administration, in production, and in the provision of services;
- be promoted to all ranks in the Revolutionary Armed Forces and the forces of security and internal order, depending on their merits and abilities;
- earn equal pay for equal work;
- benefit from education in all of the country's teaching institutions, from primary school to the universities, which are the same for all;
- receive treatment in all the health institutions;
- reside in any section, zone, or district of cities, and to stay at any hotel;
- be waited on in all restaurants and other public service establishments;
- use, without segregation, maritime, railroad, air, and automotive transportation;
- enjoy the same bathing resorts, beaches, parks, social clubs, and other cultural, sports, recreational, and leisure centers.

Article 44. Women and men enjoy equal economic, political, cultural, social, and familial rights.

The State guarantees that women will be offered the same opportunities and possibilities as men to achieve their full participation in the country's development.

The State organizes institutions such as child day-care centers, semiboarding and boarding schools, residences for care of the aged, and services to aid the working family in fulfilling its responsibilities.

Providing for their health and for healthy offspring, the State grants working women paid maternity leave before and after childbirth, and temporary work options compatible with their maternal duties.

The State strives to create all the conditions that will lead to implementation of the principle of equality.

Chapter VII

Fundamental Rights, Obligations, and Guarantees

Article 45. Work in the socialist society is a right, an obligation, and a matter of honor for every citizen.

Work is paid according to its quality and quantity; in providing it, consideration is given to the requirements of the economy and the society, the selection of the worker, and the latter's aptitude and qualifications. It is guaranteed by the socialist economic system, which fosters economic and social development without crises; and which has, in this way, eliminated unemployment and banished forever the seasonal unemployment called "dead time."

There is recognition for unpaid volunteer work, done for the benefit of the whole society, in industrial, agricultural, technical, artistic, and service activities, as a shaper of our people's communist conscience.

Every worker is obligated to perform completely the tasks assigned to him in his job.

Article 46. Everyone who works is entitled to leisure, which is guaranteed by the eight-hour work day, weekly leisure, and annual paid vacations.

The State promotes the development of vacation facilities and plans.

Article 47. Through the social security system, the State guarantees adequate protection for any worker handicapped by age, disability, or illness.

In the event of the worker's death, it guarantees similar protection for his family.

Article 48. The State protects, through social assistance, the aged without resources or protection, and any persons unfit to work who lack relatives capable of lending them assistance.

Article 49. The State guarantees the right to protection, safety, and hygienic conditions on the job, through the adoption of suitable measures to prevent occupational accidents and diseases.

Anyone sustaining an accident on the job, or contracting an occupational disease, is entitled to medical treatment, and a subsidy or pension in cases of temporary or permanent disability for work.

Article 50. Everyone is entitled to receive health care and protection. The State guarantees this right:

- by providing free medical and hospital care, through the network of rural medical service facilities, polyclinics, hospitals, prophylactic centers, and specialized treatment centers;
- by providing free dental care;
- by developing plans to publicize sanitation and health education, periodic medical examinations, general vaccination, and other measures for disease prevention. The entire population cooperates in these plans and activities, through the mass and social organizations.

Article 51. Everyone is entitled to education. This right is guaranteed by the extensive free system of schools, semiboarding and boarding schools, and study grants, with all types and on all levels of instruction, and by the fact that school supplies are free. This affords each child and adolescent, whatever his family's economic situation may be, the opportunity to pursue studies in keeping with his aptitudes, the social requirements, and the needs of socioeconomic development.

Adult men and women have this right ensured by the free of charge conditions per se, and with specific facilities regulated by law, through adult education, technical and occupational instruction, job training in State enterprises and agencies, and higher education courses for workers.

Article 52. Everyone is entitled to physical education, sports, and recreation.

The benefit of this right is guaranteed by the inclusion of physical education and sports training and practice in the national educational system study plans; and by the extensive instruction and resources placed at the people's disposal, facilitating massive sports and recreational practice.

Article 53. Freedom of speech and press is recognized for citizens, in keeping with the goals of the socialist society. The material conditions for the exercise thereof are offered by the fact that the press, radio, television, films, and other mass media are state or social property, and may in no instance be the object of private ownership. This ensures their use in the exclusive service of the working people and the interests of the society.

The law regulates the exercise of these freedoms.

Article 54. The rights to assembly, demonstration, and association are exercised by manual and intellectual workers, peasants, women, students, and other sectors of the working people, who have at their disposal the necessary means to serve this purpose. The mass and social organizations have all the facilities for carrying out said activities, in which their members enjoy the most extensive freedom of speech and opinion, based on the unrestricted right to initiative and criticism..

Article 55. The State, which recognizes, respects, and guarantees freedom of conscience and religion, simultaneously recognizes, respects, and guarantees the freedom of every citizen to change religious creeds, or not to have any; and to profess the religious worship of their choice, based on respect for the law.

The law regulates the State's relations with religious institutions.

Article 56. The domicile is inviolable. No one may enter that of another against the resident's will, except in the instances specified in the law.

Article 57. Correspondence is inviolable. It may be seized, opened, and examined only in the instances specified in the law. Matters dissociated from the circumstances that prompted the examination shall be kept secret.

The same principle shall be observed regarding cable, telegraphic, and telephonic communications.

Article 58. Personal freedom and inviolability are guaranteed to all individuals residing in the national territory.

No one may be detained except in the instances and the manner, and with the guarantees prescribed in the laws.

The personal integrity of the one detained or imprisoned is inviolable.

Article 59. No one may be indicted nor convicted except by an authorized court, by virtue of laws preceding the crime, and with the formalities and guarantees stipulated therein.

Every accused person is entitled to a defense.

No violence nor coercion of any kind shall be imposed on persons to force them to make statements.

Any statement obtained with an infraction of this precept is void, and those responsible shall incurr the penalties established by law.

Article 60. Confiscation of assets is applicable only as a penalty imposed by the authorities in the instances and through the procedures determined by law.

Article 61. The penal laws have a retroactive effect when they benefit the indicted or penalized person. The other laws have no retroactive effect unless the contrary is ordered in them for reasons of social benefit or public purposes.

Article 62. None of the freedoms recognized for citizens may be exercised contrary to the stipulations in the Constitution and the laws, or contrary to the existence and goals of the socialist State, or contrary to the Cuban people's decision to construct socialism and communism. The infraction of this principle is punishable.

Article 63. Every citizen is entitled to address complaints and petitions to the authorities, and to receive the pertinent attention or responses within a suitable period of time, according to law.

Article 64. It is the duty of each person to take care of public and social property, to abide by work discipline, to respect the rights of others, to observe the rules of socialist coexistence, and to fulfill civic and social obligations.

Article 65. The defense of the socialist fatherland is the greatest honor and supreme duty of every Cuban.

The law regulates the military service that Cubans must render.

Treason against the fatherland is the most serious of crimes; anyone committing it is subject to the most severe penalties.

Article 66. Strict compliance with the Constitution and the laws is an ineluctable obligation of all.

Chapter VIII

State of Emergency

Article 67. In the event, or in view of imminent natural disasters or calamities, or other circumstances which, by their nature, proportion, or importance, affect the internal order or security of the country, or the stability of the State, the President of the Council of State may declare a state of emergency in the entire national territory, or in a part of it; and, while it is in effect, may order the mobilization of the population.

The law regulates the manner in which the state of emergency is declared, its effects, and its termination. It also determines the fundamental rights and obligations recognized by the Constitution, the exercise of which must be regulated differently while the state of emergency is in effect.

Chapter IX

Principles of Organization and Operation of the State Organs

Article 68. The State organs are formed and engage in their activity based on the principles of socialist democracy, which are expressed in the following rules:

a) all the representative organs of the State's power are elective and replaceable;

b) the popular masses control the activity of the State organs, the deputies, the delegates, and the public servants.

c) those elected are obligated to render an account of their performance, and may be recalled from their positions at any time.

ch) every State organ fully exercises, within the bounds of its authority, the initiative aimed at making use of local resources and potential, and at incorporating the mass and social organizations into its activity.

d) the orders of the higher State organs are binding on the lower ones.

e) the lower State organs answer to the higher ones, and render an account of their administration to them.

f) freedom of discussion, exercise of criticism and self-criticism, and subordination of the minority to the majority prevail in all the collegial State organs.

Chapter X

Higher Organs of the People's Power

Article 69. The National Assembly of the People's Power is the supreme organ of the State's power. It represents and expresses the sovereign will of all the people.

Article 70. The National Assembly of the People's Power is the only organ with constituent and legislative authority in the Republic.

Article 71. The National Assembly of the People's Power is comprised of deputies elected through a free, direct, and secret ballot by the voters, in the proportion and according to the procedure determined by law.

Article 72. The National Assembly of the People's Power is elected for a term of five years.

This term may be extended only by a resolution of the Assembly itself, in the event of war or by virtue of other exceptional circumstances preventing the normal holding of elections, and so long as such circumstances persist.

Article 73. The National Assembly of the People's Power, upon convening for a new legislature, elects from among its deputies its President, Vice President, and Secretary. The law regulates the manner and procedure whereby the Assembly convenes and holds that election.

Article 74. The National Assembly of the People's Power elects from among its deputies the Council of State, consisting of a President, a First Vice President, five Vice Presidents, a Secretary, and 23 additional members.

The President of the Council of State is Chief of State and Chief of Government.

The Council of State answers to the National Assembly of the People's Power, and renders to the latter an account of all its activities.

Article 75. Functions of the National Assembly of the People's Power are:

a) to decide on amendments to the Constitution, as stipulated in Article 137;

b) to approve, modify, or repeal laws, first submitting them for consideration by the people, when it deems this fitting in view of the type of legislation involved;

c) to decide on the constitutionality of laws, decree-laws, decrees, and other general provisions;

ch) to revoke, wholly or partially, the decree-laws issued by the Council of State;

d) to debate and approve the national social and economic development plans;

e) to debate and approve the State budget;

f) to approve the principles of the economic planning and management system;

g) to decide on the monetary and credit system;

h) to approve the general features of foreign and domestic policy;

i) to declare a state of war in the event of military aggression, and to approve peace treaties;

j) to establish and modify the country's politico-administrative division, as stipulated in Article 102;

k) to elect the President, the Vice President, and the Secretary of the National Assembly;

l) to elect the President, the First Vice President, the Vice Presidents, the Secretary, and the other members of the Council of State;

ll) to designate, at the proposal of the President of the State Council, the First Vice President, the Vice Presidents, and the other members of the Council of Ministers;

m) to elect the President, the Vice Presidents, and the other Justices of the People's Supreme Court;

n) to elect the Attorney General and the Deputy Attorneys General of the Republic;

n) to appoint permanent and temporary commissions;

o) to revoke the selection or designation of the persons selected or designated by it;

p) to exercise the highest degree of supervision over the State and Government organs;

q) to be apprised of, evaluate, and adopt the pertinent decisions on the reports containing accounts rendered that are submitted to it by the Council of State, the Council of Ministers, the People's Supreme Court, the Office of the Attorney General of the Republic, and the Provincial Assemblies of the People's Power;

r) to revoke the decree-laws of the Council of State and the decrees or orders of the Council of Ministers that contradict the Constitution or the laws;

s) to revoke or modify the resolutions or orders of the local organs of the People's Power that violate the Constitution, the laws, decree-laws, decrees, and other orders issued by an organ on a higher level than theirs; or those impairing the interests of other localities or the general interests of the country;

t) to grant amnesties;

u) to order the calling of referendums in the instances stipulated in the Constitution and in others deemed fitting by the Assembly itself;

v) to decide on its regulations;

w) any others conferred upon it by this Constitution.

Article 76. The laws and resolutions of the National Assembly of the People's Power are adopted by a simple majority of votes, except when they relate to amendments of the Constitution.

Article 77. The laws approved by the National Assembly of the People's Power go into effect on the date determined by the law itself in each instance.

The laws, decree-laws, decrees and resolutions, regulations, and other general orders of the national State organs are published in the Official Gazette of the Republic.

Article 78. The National Assembly of the People's Power meets in two regular sessions annually, and in a special session when so requested by a third of its members, or when convoked by the Council of State.

Article 79. For the National Assembly of the People's Power to hold a session, the presence of over half the total number of deputies comprising it is required.

Article 80. The sessions of the National Assembly of the People's Power are public, except in the event that the Assembly itself decides to hold them privately for reasons of State interest.

Article 81. The functions of the President of the National Assembly of the People's Power are:

a) to preside over the sessions of the National Assembly, and to oversee the implementation of its regulations;

b) to convoke the regular sessions of the National Assembly;

c) to propose the draft agenda for the sessions of the National Assembly;

ch) to sign and order the publication of the laws and resolutions adopted by the National Assembly in the Official Gazette of the Republic;

d) to organize the international relations of the National Assembly;

e) to direct and organize the work of the permanent and temporary working commissions that are created by the National Assembly;

f) to attend the meetings of the Council of State;

g) any others attributed to him by this Constitution or by the National Assembly of the People's Power.

Article 82. The status of deputy does not entail personal privileges nor economic benefits.

During the time that they spend in the effective discharge of their duties, deputies earn the same salary or pay as they do at their work center, and maintain the affiliation with it for all purposes.

Article 83. No deputy to the National Assembly of the People's Power may be detained nor subjected to a penal process without authorization from the Assembly, or the Council of State if the former is not in session, except in the event of a flagrant crime.

Article 84. The deputies to the National Assembly of the People's Power are obligated to perform their work for the benefit of the people's interests, to maintain contact with their constituents, to hear their proposals, suggestions, and criticism, and to explain the policy of the State to them. They shall also render an account of the performance of their duties as stipulated in the law.

Article 85. The mandate of the deputies to the National Assembly of the People's Power may be revoked from them at any time, in the manner, for the reasons, and according to the procedures stipulated in the law.

Article 86. The deputies to the National Assembly of the People's Power are entitled to ask questions of the Council of State, the Council of Ministers, or the members of both, and to receive a response to them during the course of the same session, or at the next one.

Article 87. All State organs and enterprises are obliged to provide the deputies with the necessary cooperation for discharging their duties.

Article 88. The proposal of laws is incumbent on:

a) the deputies to the National Assembly of the People's Power;

b) the Council of State;

c) the Council of Ministers;

ch) the commissions of the National Assembly of the People's Power;

d) the National Committee of the Workers Central Union of Cuba and the National Directorates of the other mass and social organizations;

e) the People's Supreme Court, in matters relating to the administration of justice;

f) the Office of the Attorney General of the Republic, in matters within its jurisdiction;

g) the citizens. In this instance, it will be an indispensable requirement for at least 10,000 citizens with voting status to make the proposal.

Article 89. The Council of State is the organ of the National Assembly of the People's Power representing it between sessions, executing its resolutions, and performing the other functions attributed to it by the Constitution.

It is collegial in nature and, for national and international purposes, it holds the status of supreme representative of the Cuban State.

Article 90. The functions of the Council of State are:

a) to order to holding of special sessions of the National Assembly of the People's Power;

b) to decide the date of elections for the period replacement of the National Assembly of the People's Power;

c) to issue decree-laws between sessions of the National Assembly of the People's Power;

ch) to give the laws in effect a general and obligatory interpretation, if necessary;

d) to exercise legislative initiative;

e) to order the pertinent action for holding referendums decided by the National Assembly of the People's Power;

f) to decree general mobilization when the country's defense so requires, and to assume the authority to declare war in case of aggression or to grant peace, as assigned by the Constitution to the National Assembly of the People's Power, when the latter is adjourned and cannot be convoked with the necessary security and immediacy;

g) to replace, at the proposal of its President, the members of the Council of Ministers between sessions of the National Assembly of the People's Power;

h) to issue general instructions to the courts through the Government Council of the People's Supreme Court;

i) to issue instructions to the Office of the Attorney General of the Republic;

j) to designate and remove, at the proposal of its President, the diplomatic representatives of Cuba to other states;

k) to grant honorary awards and titles;

l) to appoint commissions;

ll) to grant pardons;

m) to ratify and give notice of termination of international treaties;

n) to grant or deny approval for diplomatic representatives of other states;

n) to suspend orders of the Council of Ministers and resolutions and orders of the Local Assemblies of the People's Power that do not conform to the Constitution or the laws, or when they impair the interests of other localities or the general interests of the country, giving a report to the National Assembly of the People's Power at the first session held after said suspension has been decided;

o to revoke resolutions and orders of the Local Administrations of the People's Power that violate the Constitution, the laws, the decree-laws, the decrees, and other orders issued by an organ on a higher level, or when they impair the interests of other localities or the general interests of the country;

p) to approve its regulations;

q) any others conferred on it by the Constitution and the laws, or assigned to it by the National Assembly of the People's Power.

Article 91. All the decisions of the Council of State are adopted by a favorable vote from a simple majority of its members.

Article 92. The mandate entrusted to the Council of State by the National Assembly of the People's Power expires when the new Council of State elected as a result of the periodic replacements of the former takes office.

Article 93. The functions of the President of the Council of State and Chief of Government are the following:

a) to represent the State and the Government, and to direct their general policy;

b) to organize and direct the activities, and to convoke and preside over the sessions of the Council of State and those of the Council of Ministers;

c) to control and oversee the execution of the activities of the ministries and other central agencies of the Administration;

ch) to assume the leadership of any ministry or central agency of the Administration;

d) to propose the members of the Council of Ministers to the National Assembly of the People's Power, once he has been elected by the latter;

e) to accept the resignations of the members of the Council of Ministers, or to propose the replacement of any of them to the National Assembly of the People's Power or to the Council of State, whichever is fitting, and, in both instances, to propose the pertinent replacements;

f) to receive the credentials of the chiefs of foreign missions. This function may be delegated to any of the Vice Presidents of the Council of State;

g) to discharge the duties of the Supreme Headquarters of all the armed institutions, and to determine its general organization;

h) to preside over the National Defense Council;

i) to declare the State of Emergency in the instances specified in this Constitution, reporting his decision as soon as the circumstances allow to the National Assembly of the People's Power, or to the Council of State, if the former cannot convene, for the pertinent legal purposes;

j) to sign decree-laws and other resolutions of the Council of State, and the legal provisions adopted by the Council of Ministers or its Executive Committee, and to order their publication in the Official Gazette of the Republic;

k) any others attributed to him by this Constitution or the laws.

Article 94. In the event of the absence, illness, or death of the President of the Council of State, the First Vice President replaces him in his functions.

Article 95. The Council of Ministers is the top-ranking executive and administrative organ, and constitutes the Government of the Republic.

The number, designation, and functions of the ministries and central agencies comprising the Council of Ministers are determined by law.

Article 96. The Council of Ministers consists of the Chief of State and of Government, who is its President, the First Vice President, the Vice Presidents, the Ministers, the Secretary, and other members determined by law.

Article 97. The President, the First Vice President, the Vice Presidents, and other members of the Council of Ministers determined by the President comprise its Executive Committee.

The Executive Committee may decide on matters assigned to the Council of Ministers, during the periods intervening between its meetings.

Article 98. The functions of the Council of Ministers are:

a) to organize and direct the execution of the political, economic, cultural, scientific, social, and defense activities decided the National Assembly of the People's Power;

b) to propose drafts of general plans for the socioeconomic development of the State and, once they have been approved by the National Assembly of the People's Power, to organize, direct, and control their execution;

c) to direct the foreign policy of the Republic, and relations with other governments;

ch) to approve international treaties, and to submit them to the Council of State for ratification;

d) to direct and control foreign commerce;

e) to devise the draft budget of the State and, once it has been approved by the National Assembly of the People's Power, to oversee its execution;

f) to adopt measures for reinforcing the monetary and credit system;

g) to devise legislative bills and to submit them to the National Assembly of the People's Power or to the Council of State, whichever is fitting, for consideration;

h) to provide for the national defense, the maintenance of order and internal security, and the protection of citizens' rights, as well as the protection of lives and property in case of natural disasters;

i) to direct the administration of the State, and to unify, coordinate, and supervise the activity of the agencies of the Central Administration and of the Local Administrations;

j) to execute the laws and resolutions of the National Assembly of the People's Power, as well as the decree-laws and orders of the Council of State, and, if necessary, to issue the pertinent regulations;

k) to issue decrees and orders on the basis of, and in compliance with the laws in effect, and to control their execution;

l) to revoke the decisions of the Administrations subordinate to the Provincial or Municipal Assemblies of the People's Power adopted on the basis of powers delegated by the agencies of the Central State Administration, when they violate higher level regulations, compliance with which is binding on them.

ll) to propose to the Provincial and Municipal Assemblies of the People's Power the revocation of orders adopted in their specific activities by the provincial and municipal administrations subordinate to them, when they violate the regulations approved by the agencies of the Central State Administration in the exercise of its functions;

m) to revoke the orders of the chiefs of agencies of the Central State Administration, when they violate higher-level regulations, compliance with which is binding on them;

n) to propose to the National Assembly of the People's Power or to the Council of State the suspension of resolutions of the Local Assemblies of the People's Power that violate the laws and other orders in effect, or impair the interests of other communities or the general interests of the country;

n) to create the commissions that it deems necessary to facilitate the performance of the tasks assigned to it;

o) to designate and remove public servants, according to the powers conferred upon it by law;

p) to perform any other function assigned to it by the National Assembly of the People's Power or by the Council of State.

The law regulates the organization and operation of the Council of Ministers.

Article 99. The Council of Ministers is responsible for, and renders a periodic account of all its activities to the National Assembly of the People's Power.

Article 100. Functions of the members of the Council of Ministers are:

a) to direct the affairs and tasks of the Ministry or agency for which it is responsible, issuing the resolutions and orders necessary for this purpose;

b) when it is not the express function of another state organ, to issue the regulations required for the execution and application of the laws and decree-laws concerning them;

c) to attend the sessions of the Council of Ministers, with voice and vote, and to submit to it draft laws, decree-laws, decrees, resolutions, decisions, or any other proposition that they deem fitting;

ch) to appoint, according to law, the public servants associated with them;

d) any other attributed to them by the Constitution and the laws.

Article 101. The National Defense Council convenes and prepares, in peacetime, to direct the country under state of war conditions, and, during wartime, the general mobilization or state of emergency. The law regulates its organization and functions.

Chapter XI

Politico-Administrative Division

Article 102. For politico-administrative purposes, the national territory is divided into provinces and municipalities, the number, boundaries, and designations of which are stipulated in the law.

The law also may establish other divisions.

The province is the local society, with corporate status for all legal purposes, organized politically by law as an intermediate link between the central and municipal governments, on a surface expanse equivalent to that of the group of municipalities included in its territorial demarcation. It discharges the functions and performs the state and administrative duties within its jurisdiction, and has the primary obligation of promoting the economic and social development of its territory. To this end, it coordinates and controls the execution of the policy, programs, and plans approved by the higher State organs, with the support of its municipalities, gearing them to the interests of the latter.

The municipality is the local society, with corporate status for all legal purposes, organized politically by law on a territorial expanse determined by necessary economic and social relations of its population, and with the capacity to fulfill the minimal local requirements.

The provinces and municipalities, in addition to discharging their own functions, cooperate in the accomplishment of the State's goals.

Chapter XII

Local Organs of the People's Power

Article 103. The Assemblies of the People's Power, established in the demarcated politico-administrative areas into which the national territory is divided, are the local higher organs of the State's power. Consequently, they are endowed with the highest authority to discharge the state functions within their respective demarcated areas; and, to this end, they exercise the government, within the bounds of their authority and conforming to the law.

They also contribute to the performance of the activities and the implementation of the plans of units established in their territory that are not subordinate to them, as stipulated in the law.

The Local Administrations established by these Assemblies direct the locally subordinate economic, productive, and service entities, for the purpose of fulfilling the economic, health and other assistance-related, educational, cultural, sports, and recreational needs of the society in the territory to which the jurisdiction of each one extends.

For the discharge of their functions, the Local Assemblies of the People's Power rely on the People's Councils, and on the

initiative and full participation of the population, operating in close cooperation with the mass and social organizations.

Article 104. The People's Councils are established in cities, towns, districts, settlements, and rural zones. They are endowed with the highest authority for the discharge of their functions, and represent the demarcated area in which they operate. They are, simultaneously, representatives of the municipal, provincial, and national organs of the People's Power.

They work actively for the efficient execution of productive and service activities, and for the fulfillment of the population's assistance, economic, educational, cultural, and social needs, promoting the population's full participation, as well as local initiatives, to solve its problems.

They coordinate the action taken by the entities existing in their area of activity, promoting cooperation among them, and exercising control and supervision over their activities.

The People's Councils are established with delegates elected in the districts, and must elect from among their members the one who is to preside over them. Representatives of the mass organizations and the leading institutions in the demarcated area may serve on them.

The law regulates the organization and functions of the People's Councils.

Article 105. Within the bounds of their authority, the Provincial Assemblies of the People's Power have the following functions:

a) to comply, and to require compliance with the laws and other provisions of a general nature adopted by the higher organs of the State;

b) to approve and control, according to the policy decided by the authorized national agencies, the execution of the province's ordinary plan and budget of revenues and expenditures;

c) to elect and recall the President and Vice President of the Assembly itself;

ch) to designate and replace the Secretary of the Assembly;

d) to participate in preparing and controlling the execution of the budget and the technical-economic plan of the State pertaining to the entities established in their territory and subordinate to other levels of authority, according to law;

e) to control and supervise the activity of the province's organ of administration, aided in this by their working commissions;

f) to designate and replace the members of the provincial organ of administration, at the proposal of their President;

g) to determine, according to the principles established by the Council of Ministers, the organization, operation, and tasks of the entities responsible for engaging in economic, productive, service, educational, health, cultural, sports, environmental protection, and recreational activities that are subordinate to the provincial organ of administration;

h) to adopt resolutions on administrative matters concerning their demarcated territorial area which, according to law, do not come under the general authority of the Central State Administration or that of the municipal organs of state power;

i) to approve the creation and organization of the People's Councils at the proposal of the Municipal Assemblies of the People's Power;

j) to revoke, within the bounds of their authority, the decisions adopted by the provincial organ of administration, or to propose their revocation to the Council of Ministers, when they have been adopted on the basis of powers delegated by the agencies of the Central State Administration;

k) to be apprised of, and to evaluate the reports containing accounts rendered, submitted to them by their organ of Administration and the Assemblies of the People's Power on a lower level, and to adopt the pertinent decisions regarding them;

l) to form and dissolve working commissions;

ll) to deal with all matters relating to implementation of the policy on cadres devised by the higher organs of the State;

m) to reinforce the country's legality, internal order, and defense capacity;

n) any other attributed to them by the Constitution and the laws.

Article 106. Within the bounds of their authority, the Municipal Assemblies of the People's Power have the following functions:

a) to comply, and to require compliance with the laws and other provisions of a general nature adopted by the higher organs of the State;

b) to elect and recall the President and Vice President of the Assembly;

c) to designate and replace the Secretary of the Assembly;

ch) to exercise supervision and control over the entities with municipal subordination, relying on their working commissions;

d) to revoke or modify the resolutions and orders of the organs or authorities subordinate to them that violate the Constitution, the laws, decree-laws, decrees, resolutions, and other orders issued by the higher organs of the State, or that impair the interests of the community or of other territories, or the general interests of the country; or to propose their revocation to the Council of Ministers, when they have been adopted on the basis of powers delegated by the agencies of the Central State Administration;

e) to adopt resolutions and issue orders within the framework of the Constitution and the laws in effect, on matters of municipal interest, and to control their implementation;

f) to designate and replace the members of their organ of administration at the proposal of their President;

g) to determine, according to the principles established by the Council of Ministers, the organization, operation, and tasks of the entities responsible for engaging in economic, productive, service, and health activities, and others of an assistance, educational, cultural, sports, environmental protection, and recreational nature that are subordinate to their organ of Administration;

h) to propose the creation and organization of People's Councils, as stipulated in the law;

i) to establish and dissolve working commissions;

j) to approve the socioeconomic plan and the budget of the municipality, gearing it to the policies devised for this purpose by the authorized agencies of the Central State Administration, and to control their execution;

k) to contribute to the performance of activities and to the fulfillment of the production and service plans of the entities established in their territory that are not subordinate to them; For this purpose, they may rely on their working commissions and their organ of Administration.

l) to be apprised of, and to evaluate the reports containing accounts rendered, submitted to them by their organ of Administration, and to adopt the pertinent decisions regarding them;

ll) to deal with all matters relating to implementation of the policy on cadres devised by the higher organs of the State;

m) to reinforce the country's legality, internal order, and defense capacity;

n) any other attributed to them by the Constitution and the laws.

Article 107. The regular and special sessions of the Local Assemblies of the People's Power are public, except in instances wherein it is decided to hold them privately, for reasons of the State's interest, or because matters pertaining to the honor of persons are to be discussed at them.

Article 108. Required for the validity of the sessions of the Local Assemblies of the People's Power is the presence of over half the total number of their members. Their decisions are adopted by a simple majority of votes.

Article 109. The entities organized to meet the local requirements for attaining their specific objectives are governed by laws, decree-laws, and decrees; by resolutions of the Council of Ministers; by orders issued by the heads of the agencies of the Central State Administration, in matters of general interest within its jurisdiction, requiring national regulation; and by resolutions of the local organs to which they are subordinate.

Article 110. The permanent working commissions are established by the Provincial and Municipal Assemblies of the People's Power, in keeping with the specific interests of their locality, to aid them in conducting their activities and, especially, in exercising control and supervision over the locally subordinate entities, and others on different levels of subordination that may be established within their demarcated territorial area.

The commissions of a temporary nature perform the specific tasks assigned to them within the time period specified for them.

Article 111. The Provincial Assemblies of the People's Power shall be replaced every five years, which is the term for their delegates' mandates.

The Municipal Assemblies of the People's Power shall be replaced every two and a half years, which is the term for their delegates' mandates.

Said mandates may be extended only by a decision of the National Assembly of the People's Power, in the instances specified in Article 72.

Article 112. The mandate of the delegates to the Local Assemblies is revocable at any time. The law determines the manner, causes, and procedures for revocation.

Article 113. The delegates fulfill the mandate conferred upon them by their constituents in the interests of the entire community, for which purpose they must coordinate their functions as such with their usual responsibilities and tasks. The law regulates the manner in which these functions are to be discharged.

Article 114. The delegates to the Municipal Assemblies of the People's Power have the rights and obligations attributed to them by the Constitution and the laws, and are obliged, in particular, to:

a) report to the Assembly and Administration of the locality the opinions, needs, and problems conveyed to them by their constituents;

b) inform their constituents of the policy being pursued by the Assembly, and of the measures adopted to resolve the needs cited by the population, or of any difficulties that occur in resolving them;

c) render periodic accounts to their constituents of their personal management, and inform the Assembly or the Commission to which they belong on the performance of the tasks assigned to them, when they are so requested by these bodies.

Article 115. The delegates to the Provincial Assemblies of the People's Power are obligated to perform their work for the benefit of the society, and to render an account of their personal management according to the procedure stipulated by law.

Article 116. The Provincial and Municipal Assemblies of the People's Power elect their President and Vice President from among their delegates.

The election is held on the basis of candidacies proposed in the manner and according to the procedures stipulated by law.

Article 117. The Presidents of the Provincial and Municipal Assemblies of the People's Power are, simultaneously, presidents of the respective Organs of Administration, and represent the State in their demarcated territorial areas. Their functions are stipulated by law.

Article 118. The organs of Administration established by the Provincial and Municipal Assemblies of the People's Power operate in a collegial manner, and their composition, formation, functions, and obligations are stipulated in the law.

Article 119. The Provincial and Municipal Defense Councils, and the Defense Zone Councils, are established and prepared, in peacetime, to direct in their respective territories, under state of war conditions and during the war, the general mobilization or state of emergency, based on a general plan for defense and for the role and responsibility incumbent on the military councils of the branches of the Armed Forces. The National Defense Council determines the organization and functions of these Councils in accordance with the law.

Chapter XIII

Courts and Attorney General's Office

Article 120. The function of imparting justice emanates from the people, and is exercised in their name by the People's Supreme Court and the other courts established by law.

The law stipulates the principal objectives of judicial activity, and regulates the organization of the courts, the extent of their jurisdiction and authority, their powers and the means of exercising them, the requirements to be met by judges, the method for their selection, and the causes and procedures for their recall or dismissal from the exercise of their functions.

Article 121. The courts constitute a system of state organs, structured as functionally independent of any other, and subordinate in the line of authority to the National Assembly of the People's Power and the Council of State.

The People's Supreme Court exercises the maximum judicial authority, and its decisions in this respect are definitive.

Through its Government Council, it exercises legislative initiative and regulatory power. It makes decisions and issues rules for mandatory compliance by all courts and, based on the experience of the latter, issues instructions of a mandatory nature for the establishment of a uniform judicial practice in the interpretation and application of the law.

Article 122. Judges, in their function of imparting justice, are independent, and owe obedience solely to the law.

Article 123. The decisions and other firm resolutions of the courts, issued within the bounds of their authority, are for ineluctable compliance by the state agencies, the economic and social entities, and the citizens, both those directly affected by them and those, without any direct interest in their execution, that are obliged to intervene in the latter.

Article 124. For acts involving the imparting of justice, all courts operate in a collegial manner, and both professional judges and lay judges participate in them with equal rights and obligations.

The discharge of the judicial functions assigned to a lay judge, in view of its social significance, has priority over his usual working occupation.

Article 125. The courts render an account of the results of their work in the manner and with the regularity stipulated by law.

Article 126. The power to recall judges is incumbent on the organ that elects them.

Article 127. The Office of the Attorney General of the Republic is the State organ whose fundamental objectives are to assume responsibility for controlling and preserving legality, based on monitoring strict compliance with the Constitution, the laws, and other legal provisions on the part of State agencies, economic and social entities, and citizens, and for bringing and exercising public penal suits, as the representative of the State.

The law determines the other objectives and functions, as well as the manner, extent, and occasion on which the Attorney General's Office is to exercise its powers for the aforementioned purpose.

Article 128. The Office of the Attorney General of the Republic is an organic unit subordinate only to the National Assembly of the People's Power and the Council of State.

The Attorney General of the Republic receives direct instructions from the Council of State.

The Attorney General of the Republic is responsible for directing and regulating the activity of the Attorney General's Office throughout the entire national territory.

The organs of the Attorney General's Office are established vertically nationwide; they are subordinate only to the Office of the Attorney General of the Republic, and are independent of all local organs.

Article 129. The Attorney General of the Republic and the deputy attorneys general are elected and may be recalled by the National Assembly of the People's Power.

Article 130. The Attorney General of the Republic renders an account of his administration to the National Assembly of the People's Power in the manner and with the regularity stipulated by law.

Chapter XIV

Electoral System

Article 131. All citizens with the legal capacity for doing so are entitled to intervene in the State's leadership, either directly or through their representatives elected to membership in the organs of the People's Power; and, for that purpose, to participate, in the manner prescribed by law, in periodic elections and popular referendums, to be held with a free, equal, and secret ballot. Each voter is entitled to only one vote.

Article 132. All Cubans, male and female, over the age of 16 years, are entitled to vote, except:

a) the mentally incapacitated, with a prior judicial declaration of their disability;

b) those judicially disqualified by reason of crime.

Article 133. Cuban citizens, male and female, who are in full possession of their political rights, are entitled to be elected.

If the election is for deputies to the National Assembly of the People's Power, they also must be over 18 years of age.

Article 134. The members of the Revolutionary Armed Forces and other armed institutions are entitled to elect and to be elected, on an equal footing with other citizens.

Article 135. The law determines the number of delegates comprising each of the Provincial and Municipal Assemblies, in proportion to the number of inhabitants in the respective demarcated areas into which the national territory is divided for electoral purposes.

The delegates to the Provincial and Municipal Assemblies are elected by free, direct, and secret ballot on the part of the voters. The law also regulates the procedure for their election.

Article 136. To be considered elected as a deputy or delegate, it is necessary to have won more than half the number of valid votes cast in the demarcated electoral area involved.

If this requirement is not met, or in other instances of vacant seats, the law regulates the manner in which the procedure is to take place.

Chapter XV

Constitutional Amendment

Article 137. This Constitution may be amended, totally or partially, only by the National Assembly of the People's Power, through a resolution adopted, with a roll-call vote, by no less than a two thirds majority of the total number of its members.

If the amendment is total, or relates to the composition and authority of the National Assembly of the People's Power, or of its Council of State, or to rights and obligations established in the Constitution, it also requires ratification by a favorable vote from the majority of citizens with voting rights, in a referendum called for this purpose by the Assembly itself.

This Constitution, proclaimed on 24 February 1976, contains the reforms approved by the National Assembly of the People's Power at the 11th Regular Session of the Third Legislature, held on 10, 11, and 12 July 1992.